

Appl. No.: 10/560,631
Amdt. dated October 24, 2008
Reply to Office Action of August 4, 2008

REMARKS/ARGUMENTS

Claims 40-77 are pending. Claims 1-39 are canceled. Claims 28, 34, and 35 were rejected under 35 U.S.C. 112, second paragraph. Claim 25 was rejected under 35 U.S.C. 101.

Claims 1-3, 5-9, 11-15, 17, 18, 21-29, 31, 36, 38, and 39 were rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/64180 to Del Sordo. Claims 4, 19, and 20 were rejected as unpatentable over Del Sordo in view of Applicant's admitted prior art. Claims 10, 30, and 37 were rejected as unpatentable over Del Sordo in view of U.S. Patent No. 6,963,736 to Tahtinen. Claims 32 and 33 were rejected as unpatentable over Del Sordo in view of WO 98/50861 to Perlman. Claims 34 and 35 were rejected as unpatentable over Del Sordo and Perlman, and further in view of U.S. Patent No. 6,930,598 to Weiss.

Summary of Claim Amendments

Claim amendments have been made by canceling the existing claims and replacing them with new Claims 40-77. New Claim 40 generally corresponds to prior Claim 1, except that it includes the further limitations that the second portion is transmitted at a specified/scheduled time of availability, and the claimed system includes means for monitoring the time and causing the means for capturing the second portion to be activated at the specified/scheduled time of availability. The other independent claims (Claims 65 and 76) have been modified relative to their prior versions to include similar limitations. Support for these additional limitations is provided in the application as filed at page 16 beginning at the heading "Platform configuration" through page 17 line 10, and at page 23 beginning at the heading "Downloading objects from the burst stream" through page 26 line 20.

New claim 61 specifies that the first portion of data captured is followed by other portions, so that no portion is broadcast until all other portion(s) that reference it have been broadcast beforehand. Support for this is provided on the second paragraph of page 15.

New claim 62 specifies that the first portion and/or second or subsequent portions

comprise a software executable. Support for this is provided on page 15, third paragraph.

New claim 63 specifies that the second or subsequently referenced portion comprises data to determine the appearance of the interactive service displayed by the television system. Support for this is provided on page 16 paragraphs 1 and 2.

Response to Rejection Under 35 U.S.C. 101

Independent Claim 76 generally corresponds to prior Claim 25, which was rejected under 35 U.S.C. 101. Claim 76 has been modified to recite a “computer program recorded on a computer-readable medium,” which is submitted to overcome the rejections under Section 101.

Response to Rejections Under 35 U.S.C. 103(a) Based on Del Sordo

Del Sordo describes a system for identifying programming code that is appropriate to the architecture and capabilities of a set-top terminal in a cable television system. The appropriate programming code is identified from among a variety of code objects broadcast from the head end facility of the cable television system. A platform identifier stored in the set-top terminal is matched to a corresponding platform identifier in an entitlement management message or other download locator message that specifies where in the transport stream from the head end a particular code object can be acquired. By acquiring the object corresponding to the message bearing a matching platform identifier, the set-top terminal acquires programming code compatible with its attributes.

In the set top box (STB) of Del Sordo a single set of objects is downloaded. This is done only upon power-up of the terminal or upon receipt of a reset signal from an operator (page 9, lines 17 to 31). The STB of Del Sordo does not have an internal clock for monitoring the time, so that it can capture data at predetermined scheduled times. Hence, there is no way to load data portions from re-transmissions of changing content at times according to a broadcast schedule. Furthermore, there is no disclosure in Del Sordo of downloading data portions that are

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specifically adapted to provide interactive television services such as games, music, or information services.

In view of the above, it is clear that there is no teaching in Del Sordo of downloading conditionally linked data portions that are specifically adapted to provide interactive services to a user, the second portion being transmitted at a specified/scheduled time of availability, as required by the present claims. Nor is there any disclosure of means for monitoring the time and causing the means for capturing the second portion to be activated at the specified/scheduled time of availability.

Furthermore, none of the prior art of record describes systems or methods for providing interactive television services that involve transmitting a second data portion (which is linked to a first data portion) at a specified/scheduled time of availability, monitoring the time, and causing capture of the second portion at the specified/scheduled time of availability. Hence, there is no teaching that would unambiguously lead a skilled person from Del Sordo to the invention defined by the claims as now on file. Therefore, the present claims are submitted to be patentable.

* * *

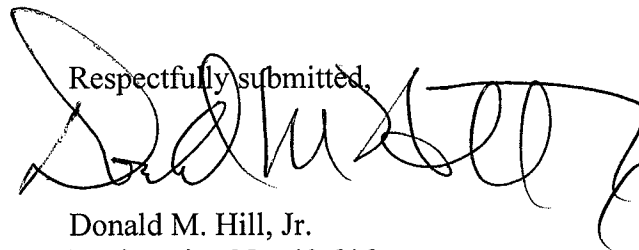
Conclusion

Based on the above amendments and remarks, it is respectfully submitted that the rejections have been overcome and the application is in condition for allowance.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required

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therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit
Account No. 16-0605.

Respectfully submitted,

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